

MEMORANDUM

DATE: October 24, 2012

SUBJECT: Finding on Formal Complaint of Sexual Harassment and Violations of
Other University and Departmental Policies

I. SUMMARY OF ALLEGATIONS AND BACKGROUND

On October 4, 2012, the University of Iowa filed a formal complaint with the Office of Equal Opportunity and Diversity against respondent (Dr. Gray) alleging that Dr. Gray's conduct created a hostile work environment and included inappropriate behavior with students and student-athletes in violation of The University of Iowa's Policy on Sexual Harassment.

II. FINDING

The evidence produced during the investigation provides a reasonable basis to conclude that the University's Policy on Sexual Harassment has been violated.

These conclusions are based on reports of multiple incidents of concerning behaviors, specifically that Dr. Gray's interactions with student-athletes were characterized by inappropriate and non-professional touching; comments of a sexual nature to prospective student-athletes and their parents; suggestive and/or sexual images on a work computer; sexual overtures, sexually explicit comments, and sharing of sexual images with a student not affiliated with the Department of Athletics; an exchange of athletic event tickets as an incentive, gratitude or appreciation for money and/or photographic images of a sexual nature; and providing Department of Athletics complimentary tickets to individuals that are not immediate family members. The effect of such behavior is that staff members and students are uncomfortable in their interactions with Dr. Gray and in some cases, staff members have requested not to work with him. The investigation concluded that the staff members are more credible based on the consistency of their comments and the lack of any apparent motivation to fabricate or exaggerate the nature and effect of the events they described.

The individuals confirmed that they had witnessed Dr. Gray touching student-athletes in a manner that made them uncomfortable and in some cases, made the student-athlete uncomfortable. The touching included unsolicited rubbing/massaging shoulders, patting and rubbing the back, hugging, and touching the hair of student-athletes. The touching was described as overly friendly, prolonged in nature, and generally inappropriate for a professional in an academic advising or work setting. Several individuals stated that they commented to Dr. Gray and/or brought the information to the attention of a supervisor. Several individuals stated that the touching behavior took place during Dr. Gray's first employment with the University and has

continued from 2002 to the present. Several individuals reported discomfort working with Dr. Gray because of his behavior and interaction with student-athletes.

Dr. Gray's supervisor acknowledged receiving reports from staff members, coaches, and at least one student-athlete in regard to Dr. Gray's behavior and interaction with student-athletes, both in the work environment and in local establishments that are frequented by students and student-athletes. The supervisor stated that he had multiple discussions with Dr. Gray in which he was admonished for his behavior.

Dr. Gray, by his own admission, indicated that he has engaged in hugging, patting or touching the shoulders and patting or touching the backs of student-athletes. Co-workers and former employees witnessed this type of behavior repeatedly for several years and stated that it was not casual or professional in nature. As an example, a witness described an incident that took place approximately one year ago where Dr. Gray approached a student-athlete from behind and initiated a "bear hug" with his hands below the student-athlete's mid-section. Several witnesses stated that some of the student-athletes reacted in a visceral and visible manner indicating discomfort.

Dr. Gray confirmed that he touched a student's chest, but denied that he touched the rear or genital area of the student.

Dr. Gray admitted that he made the sexually explicit comments, including the offer of oral sex, but he could not remember to whom he made the statements, when, or how often.

Dr. Gray also acknowledged that he has a photograph of male swim team members posing in their swimsuits that he has used as a screen saver on his work computer. A co-worker witnessed this photograph and stated that it was not suitable for the work environment and the picture was suggestive in nature, making the individual uncomfortable. Dr. Gray's supervisor stated that he saw an inappropriate photograph on Dr. Gray's Facebook page, instructed Dr. Gray to remove it from the site, and later confirmed that it had been removed. Dr. Gray denied that any such conversation took place, but we credit the supervisor's account in light of the presence of similar photographic images found on Dr. Gray's computer (described below) and the wallpaper image described by a co-worker. A review of Dr. Gray's work computer found several pictures that were inappropriate for the work environment and suggestive in nature, including two that involved individuals who appeared to be engaged in sex acts with toys or stuffed animals, one of a sexually explicit cartoon, a few of individuals dressed in underwear, and numerous photographs of college-aged individuals posing in swimsuits.

reports that Dr. Gray exchanged money and football tickets for sexual favors with an individual not affiliated with the University. Dr. Gray admits that he provided tickets and money to the individual during the 2011 football season, but he denies that it was in exchange for sexual favors. Dr. Gray states that he met the individual in person once prior to giving the tickets and/or money to the person. The evidence indicates that the tickets and money were provided during the 2011 football season and that Dr. Gray received three nude photographs of the individual to whom he provided the tickets/money on three separate occasions during 2011 football season. The evidence indicates that the tickets and/or money were exchanged as an incentive, gratitude or appreciation for the sexual photographs.

- Several staff members have reported that Dr. Gray's behavior, specifically, touching, massaging shoulders, rubbing backs, and hugging with student-athletes, makes them uncomfortable and one individual requested a reassignment so as not to work with Dr. Gray in the evening at the Gerdin Academic Learning Center.
- Two other individuals also requested not to work with Dr. Gray because they were uncomfortable seeing his interaction with student-athletes, as described above.
- A former employee stated that Dr. Gray's behavior was a factor in the decision to leave University employment.

A few individuals indicated that they brought Dr. Gray's inappropriate behavior to his attention, but it continued. Dr. Gray emphatically denied that a staff member or supervisor ever counseled him regarding his behavior; however, multiple staff members stated that s/he commented to him at the time behavior was witnessed, giving credibility

Based on Dr. Gray's admissions and the evidence collected during the investigation, there is a reasonable basis to conclude that the Policy on Sexual Harassment has been violated.

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